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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,153	11/13/2001	Shinichi Takagi	019519-312	6439

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EXAMINER

CLARK, SHEILA V

ART UNIT	PAPER NUMBER
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2823

NOTIFICATION DATE	DELIVERY MODE
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04/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Claims 11-47, 51-54, 56-62 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Pannu v. Storz Instruments Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001); *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue, which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to claim subject matter that applicant previously surrendered during the prosecution of the application.

Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope of claim subject matter surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

All independent reissue claims 11, 16, 21,22, 24, 25, 27, 28, 30, 33, 35, 36, 38, 40, 42, 45, 51, 52, 54, 55, 59, 60, 61 contain recapture issues whereby said claims fail to contain subject matter surrendered in the original application. Claim language similar to "wherein said level difference serves to avoid capillary flow of solder to prevent short-circuiting between the leads adjacent to each other" appears in every patented independent claim. Applicant in the amendment filed 6-15-1999 presented arguments relative to the level difference allowing a clearance so to avoid the capillary flow of solder which caused short circuiting as an essential feature regarding the patentability

of this invention and whereby this feature was therefore added to obtain allowance of the original patent. This feature appears relates to subject matter previously surrendered in the original application and must be included in the reissue claims.

The MPEP 1412.02 states that, "for example, assume that limitation A of the patent claims is omitted in the reissue claims. This omission provides a broadening aspect in the reissue claims, as compared to the claims of the patent. If the omitted limitation A was argued in the original application to make the application claims allowable over the art in the application, then the omitted limitation relates to subject matter previously surrendered in the original application" see 142 F.3d at 1482,46 USPQ2d at 1649.

Applicant's arguments filed 6-11-07 have been fully considered but they are not persuasive. It is believed that the rejection above is appropriate and consistent with current reissue practice and therefore stands as stated in the record.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to S. V. Clark at telephone number (571) 272-1725.

/S. V. Clark/

Primary Examiner, Art Unit 2823

March 30, 2008